

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANDREW STRICK,

Plaintiff,

v.

LENTZ, et al.,

Defendants.

CASE NO. C14-5625 RJB-KLS

ORDER TO FILE A NEW
APPLICATION TO PROCEED *IN*
FORMA PAUPERIS AND AN
AMENDED COMPLAINT

This matter has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the undersigned for initial screening and for consideration of plaintiff's application to proceed *in forma pauperis*.

Plaintiff's motion to proceed *in forma pauperis*, his declaration in support of the motion, and the proposed complaint are all written for the Ninth Circuit Court of Appeals. Dkt. 1, and 1-1. Plaintiff filed this action in the United States District Court for the Western District of Washington at Tacoma. Further, plaintiff states in his declaration that the caption of this action is *Strick v. Brivig*. Dkt. 1, p. 3. The caption of the action is *Strick v. Lentz*. Dkt. 1-1 (proposed complaint). In addition plaintiff's cover sheet indicates that he is trying to reinstate or reopen an action and that this is not an original filing. Dkt. 1-2. Plaintiff lists a related action as 11-5110.

1 Dkt. 1-2. That action was dismissed without prejudice for plaintiff's failure to prosecute. *See*,
2 *Strick v. Pitts et al.*, C11-5110 RBL Dkt. 46 and 47.

3 In the event that plaintiff is attempting to reinstate or reopen a case he needs to file the
4 proper motion using the former cause number. *See*, Fed. R. Civ. P. 60(b).

5 After reviewing the file, the Court finds and ORDERS as follows:

- 6 (1) The original filing contains too many errors or inconsistencies to allow
7 the undersigned to accept the documents and move this action forward.
- 8 (2) Plaintiff is ordered to file a new *in forma pauperis* application using the
9 Court's form for a non-prisoner. Plaintiff will also need to file an
10 amended complaint with the proper court listed on the title page.
- 11 (3) Plaintiff will have until **September 5th, 2014**, to comply with this order.
12 Failure to correct the defects in the original filing will result in a Report
13 and Recommendation that *in forma pauperis* status be denied and this
14 action dismissed with prejudice for failure to comply with a court order
15 and failure to prosecute his action.
- 16 (4) The Clerk's Office is directed to send Plaintiff the proper form for a non-
17 prisoner applying for *in forma pauperis* status.

18 Dated this 11 day of August, 2014.

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Karen L. Strombom
United States Magistrate Judge